

House Bill 433

By: Representatives Coleman of the 144<sup>th</sup>, Crawford of the 127<sup>th</sup>, Cheokas of the 134<sup>th</sup>, Parrish of the 156<sup>th</sup>, Ray of the 136<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide for the nonpartisan election of clerks of superior court, sheriffs, tax collectors, tax receivers, tax commissioners, and coroners; to provide for the qualifying for such offices; to prohibit officers elected in nonpartisan elections from engaging in partisan political activity in their official capacities; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, is amended by striking paragraph (2) of subsection (c) and subparagraph (i)(1)(B) of Code Section 21-2-132, relating to filing notices of candidacy, nomination petitions, and affidavits, and inserting in lieu thereof a new paragraph (2) and subparagraph (B) to read as follows:

"(2) Each candidate for a county judicial office, the office of clerk of superior court, the office of sheriff, the office of tax collector, the office of tax receiver, the office of tax commissioner, the office of coroner, a local school board office, or an office of a consolidated government, except those offices which on July 1, 2001, were covered by local Acts of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that any such days may be legal holidays."

"(B) Each candidate for a county judicial office, the office of clerk of superior court, the office of sheriff, the office of tax collector, the office of tax receiver, the office of

1 tax commissioner, the office of coroner, a local school board office, or an office of a  
2 consolidated government, except those offices which on July 1, 2001, were covered by  
3 local Acts of the General Assembly which provided for election in a nonpartisan  
4 election without a prior nonpartisan primary, or the candidate's agent, desiring to have  
5 his or her name placed on the nonpartisan election ballot shall file notice of candidacy  
6 in the office of the superintendent no earlier than 9:00 A.M. on the third Wednesday in  
7 June immediately prior to the election and no later than 12:00 Noon on the Friday  
8 following the third Wednesday in June, notwithstanding the fact that any such days may  
9 be legal holidays;".

## 10 **SECTION 2.**

11 Said chapter is further amended by striking subsection (a) of Code Section 21-2-139, relating  
12 to the authorization of nonpartisan elections, and inserting in lieu thereof a new subsection  
13 (a) to read as follows:

14 "(a)(1) Clerks of superior court, sheriffs, tax collectors, tax receivers, tax commissioners,  
15 and coroners shall be elected in nonpartisan elections in accordance with this chapter.

16 Notwithstanding any other provisions of this chapter to the contrary, the General  
17 Assembly may provide by local Act for the election in nonpartisan elections of candidates  
18 to fill county judicial offices, offices of local school boards, and offices of consolidated  
19 governments which are filled by the vote of the electors of said county or political  
20 subdivision. Except as otherwise provided in this Code section, the procedures to be  
21 employed in such nonpartisan elections shall conform as nearly as practicable to the  
22 procedures governing nonpartisan elections as provided in this chapter. Except as  
23 otherwise provided in this Code section, the election procedures established by any  
24 existing local law which provides for the nonpartisan election of candidates to fill county  
25 offices shall conform to the general procedures governing nonpartisan elections as  
26 provided in this chapter, and such nonpartisan elections shall be conducted in accordance  
27 with the applicable provisions of this chapter, notwithstanding the provisions of any  
28 existing local law. For those offices for which the General Assembly as of July 1, 2001,  
29 pursuant to this Code section, provided by local Act for election in nonpartisan primaries  
30 and elections, such offices shall no longer require nonpartisan primaries. Such officers  
31 shall be elected in nonpartisan elections held and conducted in conjunction with the  
32 general primary in accordance with this chapter without a prior nonpartisan primary. For  
33 those offices for which the General Assembly as of July 1, 2001, provided by local Act  
34 for election in a nonpartisan election without a prior nonpartisan primary, such offices  
35 shall be elected in nonpartisan elections held and conducted in conjunction with the

1 November general election without a prior nonpartisan primary. Nonpartisan elections  
2 for municipal offices shall be conducted on the dates provided in the municipal charter.

3 (2) Officers elected in nonpartisan elections pursuant to this subsection shall not engage  
4 in any partisan political activity or event in their official capacities or use their titles or  
5 offices in conjunction with any partisan political activity or event."

6 **SECTION 3.**

7 All laws and parts of laws in conflict with this Act are repealed.